## REMARKS/ARGUMENTS

### 1.)    Claim Amendments

The Applicant has amended Claims 1, 8-9, 14, 21 and 25; Claims 7, 13, 24 and 26 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-6, 8-12, 14-23 and 25 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### 2.)    Examiner Objections – Specification

The Examiner objected to the specification because the title of the invention is not descriptive. The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the specification title as suggested by the Examiner. The Examiner's consideration of the amendments to the Specification is respectfully requested.

### 3.)    Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-4, 21 and 26 under 35 U.S.C. § 102(e) as being anticipated by Nykanen (US 6,594,483). The Applicant has amended independent claims 1 and 21 to better define the intended scope of the claimed invention. More specifically, the limitations of dependent claim 7 have been incorporated into independent Claim 1. Likewise, the limitations of dependent claim 24 have been incorporated into independent Claim 21. Independent Claim 26 was been cancelled without prejudice. In view of the above amendments and the disqualification of Yeung reference as further submitted below, Applicant respectfully submits that now amended independent Claims 1 and 21 and their respective dependent claims are patentable over the cited references. The Examiner's favorable consideration of the amended claims is respectfully requested.

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### 4.)    Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 5, 6, 9-12, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Nykanen in view of Walsh (US 6,662,014). Applicant respectfully submits that claims 5-6 and 22-23 are dependent on now allowable independent Claims 1 and 21, respectively, and recite further limitations thereto. As for independent claim 9, Applicant has further amended the independent claim to incorporate those limitations as set forth in dependent Claim 13. As fully described below, with the disqualification of the Yeung reference used in rejecting dependent Claim 13, Applicant respectfully submits that now amended independent claim 9 is also patentable over the cited references.

### 5.)    Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 7, 8, 15-18, 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over Nykanen in view of Yeung (US 2003/0074456). Applicant respectfully submits that the Yeung reference is disqualified and cannot be used in rejecting the pending claims. U.S.C. 103(c)(1) states that:

> "Subject matter developed by another, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Since Ericsson Inc (the assignee of the Yeung reference) is a wholly owned subsidiary of Telefonaktiebolaget L M Ericsson (publ), the assignee of the pending application, Applicant respectfully submits that under 103(c)(1), the Yeung reference cannot qualify as prior art and shall not preclude patentability under this section. Accordingly, as described above, Applicant has amended independent Claim 1 to now incorporate the limitations of dependent Claim 7. With such incorporation of allowable subject matter into independent Claim 1, Applicant respectfully submits that independent Claim 1 and

its dependent claims are now patentable and a Notice of Allowance is earnestly requested. Similarly, those limitations of dependent Claim 24 have now been incorporated into independent Claim 21 and a Notice of Allowance for now amended independent Claim 21 and its dependent claims is respectfully requested. Also, with the disqualification of the Yeung reference, independent Claim 15 and its dependent Claims are now in condition for allowance.

The Examiner has similarly rejected Claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Nykanen and Walsh in view of Yeung. With the disqualification of the Yeung reference and the incorporation of the limitations of dependent Claim 13 into its independent claim 9, Applicant further submits that now amended independent claim 9 and its dependent claims are also in condition for allowance.

## 6.) Prior Art Not Relied Upon

On page 12 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.
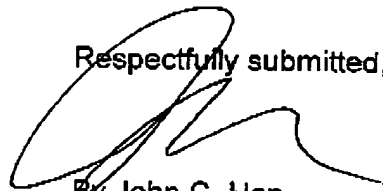
Appl. No. 10/038,233
Amdt. Dated January 28, 2005
Reply to Office action of November 2, 2004
Attorney Docket No. P14408/34647-00435USPT
EUS/J/P/05-6017

## CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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